

DOCKET NO: 275020US6X PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF	: ALLOWED: SEPTEMBER 24, 2008
YOSHIYASU UMEZU, ET AL.	: EXAMINER: CASTRO, ARNOLD
SERIAL NO: 10/542,656	:
FILED: JULY 19, 2005	: GROUP ART UNIT: 3747
FOR: ENGINE CONTROL DEVICE OF CONSTRUCTION MACHINERY	:

PETITION UNDER 37 C.F.R. § 1.181

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

Applicants herein petition the Commissioner to invoke his supervisory authority to require the examiner to consider the references cited in the Information Disclosure Statement filed on July 19, 2005.

Information Disclosure Statement in conformity with the requirements of 37 C.F.R. §1.97-1.98 was filed on July 19, 2005. Copies of the Information Disclosure Statement and the date-stamped filing receipt are in PAIR. The above-referenced application has been allowed. Reference AA cited in the former Information Disclosure Statement was never acknowledged or made of record by the examiner.

Applicant's representative, Fred L. Braun, contacted the examiner by telephone on December 17, 2008 requesting consideration of the IDS Statements (PTO-1449 Forms) filed on July 19, 2005. As of yet no PTO response to the IDS has been received.

37 C.F.R. §1.181(a)(3) allows petition to invoke the supervisory authority of the Commissioner in appropriate circumstances. Accordingly, it is respectfully submitted that this Petition under 37 C.F.R. §1.181 be granted and that the Examiner consider the Information Disclosure Statement filed July 19, 2005, and reference AA cited therein.

Although Applicants do not believe that any fee is required for the present petition, any required fee should be charged to our Deposit Account No. 15-0030.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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